IN THE MATTER OF THE POSTHUMOUS PARDON APPLICATION FOR LEO FRANK

Videotaped testimony of ALONZO MANN, taken on behalf of the applicants requesting the pardon for Leo Frank, reported by Linda M. Lewis, Certified Court Reporter and Notary Public, at the Riviera Hyatt Hotel, Brookwood Suite, Atlanta, Georgia, on the 10th day of November, 1982, commencing at the hour of 2:10 p.m.

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MR. HOOKER: My name is John Jay Hooker. I am counsel for Mr. Alonzo Mann, M-a-n-n, in the

matter of the application for pardon posthumously of Mr. Leo Frank. Mr. Alonzo Mann is here and is going to give his testimony relative to this matter.

We have invited Mr. Silas Moore of the State Pardons and Parole Board of Georgia and Mr. Michael Wing, a member of the board, to be present today to listen to testimony of Mr. Mann. They have been kind enough to come and are present here today, and we have asked them to ask any questions that they have at the proper time of Mr. Mann.

We also have with us here today in addition to Mr. Wing and to Mr. Moore we have Mr. M. C. Gettinger of the Atlanta Jewish Federation. Mr. Gettinger and the Atlanta Jewish Federation is one of the applicants for the pardon, posthumous pardon, of Leo Frank. We also have with us Mr. Marvin Sphceiser, S-p-h-c-e-i-s-e-r, of the Atlanta Jewish Federation.

In addition we have Miss April Levine, L-e-v-i-n-e, of the American Jewish Committee. Likewise, we have Mr. Charles F. Wittenstein who is the attorney for the Anti-defamation League and B'nai B'rith. We have Mr. Dale Schwartz, S-c-h-w-a-r-t-z, also of B'nai B'rith who are here with us today.

I believe that includes everybody, except Jerry Thompson, a reporter for the Nashville

Tennessean, who originally -- whose piece appeared in the Nashville Tennessean regarding Mr. Mann, and Mr. Bob Sherborne, S-h-e-r-b-o-u-r-n-e, also of the Nashville Tennessean who participated with Mr. Thompson in the section that appeared in the Nashville Tennessean some time ago.

So that is the statement of who's here and why we are here, and we have arranged for a court reporter and a video taping of this so as to preserve for all time the testimony of Mr. Alonzo Mann, who is 84 years old, to be sure that we make a part of the permanent record of the Leo Frank matter this testimony. Mr. Mann is here, and the camera will go on him; and we will proceed to ask you some questions.

Mr. Mann, I am going to ask you the original questions, and then all the people who are here and who are applicants for this relief as well as the newsmen who are here and certainly the members of -- Mr. Moore of the Pardons -- who works for the Pardons and Paroles Board and Mr. Wing, who is a member of the board, will also ask you questions. Then, in addition, anything you want to say that is not asked to you you will be given an opportunity.

THE WITNESS: I will answer the questions as truthfully as I know how.

MR. HOOKER: So that's the introduction. And now if you would turn the camera on the witness and we will get on with it.

ALONZO MANN,

having been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. HOOKER:

Q. Sir, what is your full name, please?

A. Alonzo McClendon Mann.

Q. I want to ask you a few questions about yourself. If you will pardon my asking, what is your exact age?

A. My exact age is -- I was born in 1898. I am 84.

Q. Very good. And where do you reside?

A. I reside in Bristol, Virginia.

Q. How long have you lived there?

A. Three years this November.

Q. And did you previously live in Atlanta, Georgia?

A. Nearly all my life, most all of my life.

Q. Approximately, as best you can recollect, approximately what years were they?

A. Well, we lived in Memphis, Tennessee; and

I was brought to Atlanta as a child.

Q. And you lived here in Atlanta until when?

A. Until I -- until I got married in 1920 after I was just discharged from the Army.

Q. And they you -- and when did you leave Atlanta?

A. I continued to live here, and we moved to Florida for a couple years; and I moved back. Then we stayed in Atlanta afterwards.

Q. From approximately what years to what years, if you recollect?

A. Well, I would say from 1920 up until three years ago.

Q. Until three years ago. And are you married?

A. Yes, I am married -- yes, indeed.

Q. You have been married?

A. I was married 62 years.

Q. And your wife is living or dead?

A. My wife is dead.

Q. And were you at one time in the employ of the National Pencil Company?

A. Yes, I was, as a boy, as an office boy.

Q. Do you recollect what years that was?

A. 1913.

Q. 1913. Mr. Mann, are you familiar with a man by the name of the Jerry Thompson?

A. Yes, he is a reporter for the Tennessean.

Q. That's the Nashville Tennessean newspaper in Nashville, Tennessee?

A. Yes, sir.

Q. And are you likewise familiar with a man named Mr. Bob Sherborne?

A. Yes. He is with the Nashville newspaper, the Tennessean.

Q. Did you have occasion to have conversations with Mr. Thompson and Mr. Sherborne relative to the trial of a man named Leo Frank?

A. Yes, I did.

Q. And as a consequence of that, did the Nashville Tennessean newspaper write an extensive series of newspaper stories?

A. Yes, they did.

Q. Based on what you told them?

A. Yes. They told exactly what I told them.

Q. Have you yourself read the stories that appeared in the Nashville Tennessean?

A. Yes, I have read it all.

Q. And so if I hand you a copy of the Nashville Tennessean you would recognize that and you

would be able to glance at that and determine if that was the stories that were based on your accounts?

A. Yes.

Q. So I am going to hand you this newspaper and want to make this Exhibit 1 to your testimony, and I just want you to -- I will help you here flip through it just to -- this is the same paper we have been looking at together a few minutes ago, but I want you to verify that this is the newspaper, the Nashville Tennessean, these are pictures of you and various stories about you --

A. Yes.

Q. -- that appeared in that publication. Good. Now, can you --

A. Everything is true.

Q. You can verify that first as being a copy of the Nashville Tennessean which you have previously seen?

A. Yes.

Q. And you can verify this as having been a news account that appeared and was sold to the public?

A. Yes.

Q. Now, Mr. Mann -- tell us, Mr. Mann, please tell us how this came to be. How did you happen to have these conversations with the Nashville

Tennessean?

A. A few years ago I bought a Golden book about the trial, the only book I had ever bought or tried to read.

Q. About the trial of --

A. Leo M. Frank.

Q. Of Leo M. Frank.

A. I read about 30 pages, and I saw there were so many mistakes in there and so many things that wasn't true, I began to make notes; and I made notes through those 30 or 40 pages.

Q. And, for the record, let's as best you can, the name of that book was?

A. A Little Girl Is Dead.

Q. A Little Girl Is Dead, and it was written by a man -- I think you said Harry Golden.

A. Harry Golden.

Q. And you read that book or part of it.

A. I read 40 sheets of it.

Q. 40 sheets of it. And I believe you made notes in it.

A. I made notes in it.

Q. And I believe there appears --

A. Some of the notes are in the paper.

Q. In the news section on page 8 there

appears an excerpt of both of Mr. Golden's words and your words concerning your agreement or disagreement with the content of that material.

A. Yes. At that time I didn't know Jerry Thompson, I didn't know the Tennessean, and I didn't know anyone with the Tennessean.

Q. Just in your own words now at your own pace -- we are here to preserve this testimony. You are 84 years old.

A. Yes.

Q. And you care enough about this matter to have told people who in turn told the Tennessean.

A. Yes.

Q. And you have given apparently an extensive amount of time to talk to these Tennessean reporters and so forth.

A. Yes, I did.

Q. And you are here today to testify in this matter. In your own words, go a little further about the Nashville Tennessean situation. How did you happen to be in touch with them? After you read the book what happened next?

A. I made these notes in the Golden book.

Q. Right.

A. And my nephew came to see me, and I was

talking with him; and he picked up the book and looked at it, and he asked me about it.

Q. Who is your nephew, for the record?

A. My nephew is Bob Mann.

Q. Spelled the same way you spell your name, Bob Mann.

A. Robert Mann.

Q. Robert Mann. All right.

A. He's my brother's son.

Q. Your brother's son. How old is your nephew?

A. I am sure Robert is 58 or 59.

Q. And he -- what does he do?

A. Right at the present time he is a bodyguard with someone.

Q. With Mr. Jerry Thompson of the --

A. Mr. Jerry Thompson.

Q. The same man who is the news reporter for the Nashville Tennessean?

A. Yes.

Q. How did he happen to become a bodyguard for Jerry Thompson; do you know?

A. Mr. Jerry Thompson knew Robert Mann for some time, and Robert Mann was a security guard somewhere. I don't know. I never asked him. And

that's how --

Q. Well, let me ask you: Do you know if it was in conjunction with the fact that Mr. Jerry Thompson as a reporter for the Nashville Tennessean has investigated the Ku Klux Klan and had written articles on behalf -- in the Tennessean about that subject?

A. I never talked about that, but I always knew that was the reason. I thought that was the reason.

Q. I understand. So Mr. -- your nephew, Mr. Mann, he suggested that you have a conversation with Jerry Thompson.

A. After he read the book, a part of the book, and the notes that I made, he says, "Well, I know someone that might be glad to pick that up and finish it and talk with you about it."

Q. And so then Mr. Thompson came to see you?

A. He came to see me, and Mr. Robert Sherborne came with him.

Q. The first time they came together?

A. Yes.

Q. Where did they come to?

A. They came to my mobile home that I had just bought, which I lived in a nice mobile home park.

Q. Where?

A. In Bristol, Virginia.

Q. And do you recollect approximately when that was, about a year ago or --

A. Eight months ago.

Q. And they came --

A. Maybe nine months ago.

Q. And they came to see you in Bristol, Virginia --

A. Yes, they did.

Q. -- to ask you about your recollections regarding Mr. Leo Frank.

A. Yes.

Q. And you told them at that time that you had worked for the National Pencil Company and with Mr. Frank.

A. Yes, we went into all of that.

Q. What was your relationship to Mr. Leo Frank? First of all, you were no kin -- you are no kin to Mr. Leo Frank, are you?

A. No.

Q. And the only relationship you had with him was -- as a boy you were I believe at that time -- how old were you, approximately 14 years old?

A. I think I was exactly 14.

Q. In 1913?

A. 1913.

Q. And you were an office boy. What did you do for the National Pencil Company?

A. I was a little more than an office boy. I filed all the reports, I ran all the errands, I did all the mailing, I answered the telephone, any errand that was to be through the factory, I went through the factory. If they had messages to be delivered to the managers, different departments or the assistant manager of the building, of the company my job was to do all of those things.

Q. Where did you physically locate yourself in the business?

A. In the office with Mr. Frank, near his desk. I had a desk, a little small desk, over in the corner with my chair. If the phone rang and he wasn't there, I would answer it.

Q. So you were sort of a jack-of-all-trades?

A. That's right.

Q. You answered the telephone; you delivered messages; you were a 14-year-old boy. Who -- was Mr. -- did you regard Mr. Leo Frank as your boss? Was he the man you reported to?

A. I regarded him as a boss and a wonderful

person.

Q. So you had a great respect for Leo Frank.

A. Yes, and he did me, too.

Q. Were you then -- at the time Mr. Frank was indicted for murder in Atlanta, Georgia, were you called as a witness in that case?

A. Yes, I was.

Q. And that case took place in 1913.

A. Yes, it was in 1913.

Q. And at that time, 1913, you appeared as a witness in the case of the State of Georgia versus Leo Frank.

A. On defense.

Q. And you were -- you were a witness for the defense.

A. Yes.

Q. Had you had some conversations prior to the time of the trial? Had you had some conversations with the prosecutors after the matter occurred -- I believe there was a young girl who was killed.

A. Mary Phagan.

MR. HOOKER: The court reporter, do you know her name? Do you want it spelled for you? Mary, P-h-a-g-a-n. Mary Phagan was her name.

Q. (BY MR. HOOKER) Was she an employee of the National Pencil Company?

A. She was an employee, and she worked on the metal machine where they put the tips on the end of the pencils.

Q. Did you know her personally?

A. No, I did not.

Q. Other than -- did you know to see her? Did you --

A. The only way I knew to see her, I heard her name called.

Q. But you don't recollect having ever seen her as an employee other than to have heard her name called.

A. That's all, and at the machine.

Q. And at the machine.

A. Because one day I went to the back to deliver a message to Mr. Darling, and she was being -- someone was riding around, one of the girls was riding around in a little red wagon; and the wagon is what they bring their pencils, end of the pencil caps on. And they were laughing, and they called her name.

Q. And you got a glimpse of her on that occasion?

A. Oh, yes.

Q. But you never had a relationship with her, never really met her or --

A. Never knew her, never talked with her in my life.

Q. And she was killed in 1913 allegedly there in the National Pencil Company building.

A. Yes.

Q. And for which your Mr. Leo Frank for whom you worked -- he was your boss. What was his title with the National Pencil Company?

A. He was general manager.

Q. How old a man was he; do you recollect?

A. I think he was around 29 or 25, 26 maybe.

Q. I think the record shows he was 29 years old. If that's what the newspaper said, would you agree that's what his age was?

A. Yes, I would agree because I never knew his exact age.

Q. All right. Is this a picture of Mr. Leo Frank as you recollect?

A. Yes, that's a good picture of him.

Q. So you worked closely with him in his office there, and you knew him as a boy would know a grown man; and you reported to him, you did what he told you to do.

A. I certainly did.

Q. And he was indicted for the murder of Mary Phagan.

A. Yes.

Q. And I believe that you have given to the Nashville Tennessean, and they have procured -- here's a picture of you which is on page 8; and that is a picture of you, isn't it, on page 8 here?

A. Yes.

Q. And there's an article entitled "His Secret Well Kept"; and that article which is in the middle of the page purports to tell about you and your testimony which apparently took place, you testified, on August 12th, 1913, some two weeks after the start of the trial. And the Atlanta Constitution reported -- the newspaper reported the next day a headline reading, "Office Boy Swears He Never Saw Woman in Office With Frank."

A. That's correct. I never saw anything wrong in the factory, never.

Q. Now, did you -- how did you happen to be a witness? You were called by the defense.

A. They called me as a witness.

Q. Now, Mr. Mann, at that time you were 14 years old.

A. Yes.

Q. And you worked for the National Pencil Company, and you were there in the office on a day-to-day basis with Mr. Frank.

A. Yes, we were there half a day.

Q. And you didn't know this girl except by sight and name to be a young woman who worked in the pencil part or the manufacturing part of the plant.

A. That is correct.

Q. And she had been killed on the location there, physical location, apparently of the National Pencil Company itself; and Mr. Frank had been indicted for doing that.

A. Yes.

Q. Now, were you contacted by the police as being an employee and around -- were you contacted by the police and questioned about what you knew in the matter?

A. I was contacted by the police and many reporters; and they asked me different questions, where I went and what I did. But no one asked me any direct questions about anything important, except what I did.

Q. So -- but you were contacted by the police?

A. Oh, yes.

Q. Now, you say -- but you were not a witness for the prosecution --

A. No.

Q. -- as you recollected at the trial?

A. I was a witness for the defense.

Q. And were you accordingly contacted by the defense lawyers, and did they make inquiry of you or have conversations with you prior to the time you went on the witness stand?

A. Rubin Arnold --

Q. Who is Rubin Arnold?

A. He was a lawyer for the defense.

Q. Right. Let me show you here. Let's see.

A. And Rosser was an attorney for the defense.

Q. Is this the picture of Mr. Rosser, Luther S. Rosser, R-o-s-s-e-r, that appears on page 5 of the Tennessean. There's a page that is headed, "Profiles of Principal Characters," and Luther Z. Rosser is there pictured and has a short biographical sketch about him. You have read that biographical sketch and seen that picture.

A. Oh, yes, I read that. But, of course, in this picture I probably would not recognize him if he

was in his civilian clothes. I mean I may not recognize him here, but I would recognize him if he stood in front of me.

Q. Now, Mr. Rosser, he was one of the lawyers for Mr. Frank.

A. Yes.

Q. Now, did you have a conversation with him or Mr. Arnold, who I believe was his partner or at least was his associate in the defense of Mr. Frank.

A. I had a slight conversation with him that they asked me a few questions. It wasn't very important.

Q. Before the trial, before you appeared as a witness.

A. Before I appeared as a witness on the stand.

Q. Did they ever ask you if you had any eyewitness information; in other words, did they ever ask you any question relating to whether or not you had seen anything in conjunction with this murder?

A. They did not.

Q. Did the police ever ask you any question as to whether or not you had seen anything in conjunction with the killing of this girl?

A. They did not.

Q. So neither the -- your testimony is, then, that neither the police or detective or investigator, nobody -- or prosecuting attorney, nobody on behalf of the Government, that is the prosecuting office and the people who report thereto, or anybody on behalf of the defendant?

A. No one asked me anything in regards to that.

Q. Now, suppose they had asked you in regard to that?

A. If they asked me in regards to that, I would have promptly told them at that time.

Q. Did you have any conversations with your mother or with any members of your family or anybody in addition to those people about your -- what you knew and about your perspective testimony in the matter.

A. Now we are going back to what happened; is that it?

Q. Correct.

A. And when I went home.

Q. Correct.

A. Well, I went home and told my mother; and she said, "Now we will wait and see, but don't say anything. Keep out of it."

Q. All right. What I want to announce for the sake of chronology and try to keep the record straight, I would like to read into the record that testimony on page 8 that appears in the Nashville Tennessean which purports to be an exact copy of information that appeared in the Atlanta Constitution. I want to read that to you and ask you if you have any recollection about that and then ask you further questions. So if you will indulge me for a moment, let me just read this testimony that purports to be your testimony and ask you if that actually took place.

A. Yes.

Q. It says on page 8, the middle thereof, "The full text of the story follows:" This is under the headline, "Office Boy Swears He Never Saw Woman In Office With Frank."

A. Correct.

Q. That's in quotation. Then according to the Nashville Tennessean published on Sunday, March 7th, 1982, this story appeared in the Atlanta Constitution on August 12th, 1913. And I will read from the Tennessean purporting to be the story that appeared in the Atlanta Constitution.

"Alonzo Mann, the office boy at the

National Pencil factory, was called as a witness after Mrs. Minnie Smith had been excused. The lad was decidedly uneasy from the time he came in rather timidly until he had finished his evidence, which he gave in a voice so low at times that the court stenographer could hardly hear it.

"He told of Frank's being apparently busy at work on Saturdays and declared that he had never seen any women or C. B. Dalton around the factory on such occasions."

A. That is correct.

Q. "Were you sworn?" Mr. Arnold asked. That's the lawyer that represented --

A. Yes.

Q. "I -- I dunno, sir," the lad replied.

"Well, I'll swear you then as a matter of precaution," said the attorney in a kindly voice.

The oath was administered.

"Do you work at the National Pencil factory?"

"Yes, sir."

"When did you start to work there?"

"April 1."

"How late did you work on Saturdays, except on Holidays?"

"I don't remember exactly. I worked there on the day the girl was killed and on the two Saturdays before that, and I stayed until 11:30 that Saturday," the lad said.

"Did you ever see Mr. Frank bring women in there on Saturdays?"

"No, sir."

"Did you ever see a man named Dalton there?"

"No, sir."

"Were you there at work that Saturday morning of the day before the girl's body was found?" asked Solicitor Dorsey, who took up the cross-examination at this point.

"Yes."

"Did Frank start right to work?"

"He went right into his office when he came."

"Did you see him go out?"

"He went out once."

Now, that purports to be your testimony.

A. That's correct.

Q. Do you -- that took place some 70 years ago.

A. Oh, yes.

Q. Do you remember that as being your testimony?

A. Yes. I never will forget what happened.

Q. Does this, as best you can recollect, is this the entire amount of your testimony? Was it longer than this? Was there additional testimony? According to your recollection, is this a complete or nearly complete resume of your testimony?

A. At that time that was all I knew. I told it all.

Q. And your testimony is now that as far as you can remember this was all your testimony on that occasion?

A. That's correct.

Q. And you have already testified that you had not given them -- the lawyers or the detectives or anybody, you had not given them any information concerning your knowledge of the crime, other than this information?

A. Now, we are speaking after we saw Jim Carney with the girl?

Q. Yes, sir.

A. No. I didn't give any information because my mother told me not to talk.

Q. I want to take you back over that in

sequence, but on a step-by-step basis. But basically this testimony that you have -- gave in court that day and was reported in the Atlanta Constitution and is now re-reported in the Nashville Tennessean, your now testimony is that -- this that I have just read reflects your best recollection as to what you testified on that day in court?

A. That is correct.

Q. Now, you are further testifying that beyond that that the matters to which you are now going to testify were not addressed in the Court on that day, the matters as relates to what you saw beyond this testimony.

A. Oh, yes, sir. It would be the same testimony.

Q. But maybe I haven't made the question clear. In other words, the part to which I am now going to ask you about which you were an eyewitness, you did not testify to that at the time.

A. That is correct.

Q. And you were not asked about that by the lawyers or the detectives or anybody else.

A. I was not.

Q. Now, Mr. Mann, in your own words you -- I want you to tell, just at your own pace and your own

way, what you now recollect as being what took place in your eyesight, what you saw on that day in 1913 when this matter occurred. Now, you just tell that in your own way.

A. I reported to the National Biscuit Company -- Pencil Company at the usual time, around 8:00 o'clock. If you didn't get there at 8:00, you were really not on time. So I was there.

Q. Let me just interrupt you for one second. You have given an affidavit which appears on page 9 of the Tennessean, which I show you now has -- also has a picture of you, and then it says the "Statement of Alonzo Mann," and this is an affidavit. "The undersigned being duly sworn, deposes as follows:" I believe you gave this affidavit to Mr. Jerry Thompson.

A. I certainly did.

Q. Now, beyond that did you take a lie detector test and other tests to determine that the newspaper, the Nashville Tennessean, Mr. Jerry Thompson, and Mr. Bob Sherborne, and Mr. John Sigenthal -- do you know Mr. John Sigenthal?

A. Oh, yes.

Q. He is the publisher of the Nashville Tennessean.

A. I know him. I met him.

Q. At the time that you gave this information to Jerry Thompson, did they try to verify it? Did they ask you if you would take a lie detector test and so forth?

A. They gave me a lie detector test and also a mental test, now whatever you might call it.

Q. Stress test.

A. And I went through everything they asked me to do.

Q. And then after you -- then you then gave them an affidavit or maybe you gave the affidavit before that.

A. I gave the affidavit I think after that was done, I believe I did.

Q. Well, whether it was before or after, you gave them the affidavit containing the information that is presently, that is in the affidavit and was published by them on Sunday, March 7th, 1982.

A. Well, I think that was after I took my test.

Q. After you took your lie detector test. Now, in that affidavit you set out facts about what you knew and saw in conjunction with this trial of Leo Frank.

A. Yes.

Q. Now, without regard to that affidavit, I want you now just in your own words to state for the purpose of this record and give testimony now about what you recollect about that. As you know, we have made an exhibit to your testimony this whole section of the newspaper which contains your affidavit. But now I am asking you just as best you can in the presence of Mr. Wing here of the Georgia State Pardons and Parole Board and Mr. Silas Moore and the other people whose names appear as a part of this proceeding, I want you to tell us in your own words what you recollect about that fateful morning at which you saw what you are now going to tell us about.

A. It was Saturday on Memorial Day. I went to work at the usual time, which we did work a half a day on Saturday in our office, but sometimes the factory did not. On that particular day the factory was closed. So I went in and did most of my work. And I told Mr. Frank that I would have to leave a little early because I wanted to meet my mother. She was going to buy a hat up there at Peachtree and Whitehall at the viaduct. So he said, "Go right ahead." I said, "I will probably come back if I don't meet her and do my -- finish my filing."

So I went to meet my mother, which

probably took 30 or 40 minutes; and she wasn't there. Then I came back to the office, and the door was still unlocked. So I opened the door and walked in. And I --

Q. What time was that; do you recollect?

A. I think that was a little after 12:00, a few minutes after 12:00.

Then I looked to the right; and there was Jim Conley with a girl in his arm, and she was limp.

Q. Who was Jim Conley?

A. Jim Conley was a sweeper or the porter you might call him or whatever you want to call him. They called him the sweeper. But they called on him to do other things.

Q. All right. Tell about Jim Conley. Is he a white man or a black man?

A. No, he was a -- kind of a Melano. He wasn't entirely black. No, he wasn't real black.

Q. But he is a Negro?

A. Yes. He looked around at me. He couldn't reach me because the elevator was here, the trap door was here, and I was over here probably 8 feet (indicating); and he couldn't reach me, so he looked at me -- he reached out to pull me. He reached out, and he couldn't reach me. He says, "If

you tell anything about this, I'll kill you." I took a couple steps up, and I saw the door was locked or shut; and I didn't go on up. So I turned around and went out the door and went home.

Jim Conley was drinking that morning when I went in under the steps. That's the place he always sits. Under the steps.

Q. When you say Jim Conley that morning, you mean before this?

A. That's before that happened.

Q. So let's be clear about that. Let the record show that on my right that Mr. Wing is of the State Pardons and Paroles Board is sitting right here next to Mr. Mann. And I want you to look at Mr. Wing. Now, he is the man we are addressing. I want you to explain to Mr. Wing who is sitting right here looking at you. You got to work that morning; and you saw Mr. Conley, a black man --

A. Under the steps.

Q. -- under the steps.

A. In his chair.

Q. And was he drinking?

A. Apparently he was to me.

Q. Did you have a conversation with him?

A. No. I just walked right on. Oh, he

asked me for some money to buy beer. He did. He asked me for money to buy beer.

Q. Had he ever asked you --

A. I told him I didn't have any money.

Q. Had he ever asked you for money before?

A. Oh, yes. I'd loaned him money before, but he never paid me back.

Q. So you had had a business relationship with him, so to speak, in the sense that you, a 14-year-old boy, you had loaned him some money.

A. And he never paid me back. So I told him I didn't have any money, which I did have some money.

Q. You had grown tired of lending money to him?

A. That's exactly right.

Q. And did -- and you had some money. Do you remember how much money you had?

A. I think a half a dollar or something like that.

Q. And he wanted to borrow how much?

A. He wanted to borrow some money to buy some beer. He didn't say how much.

Q. You knew that -- did he tell you he wanted to buy beer with it?

A. I think he said he wanted a dime.

Q. What?

A. I think he said he wanted 10 cents.

Q. Wanted 10 cents.

A. I am sure of that.

Q. And did he say he wanted to buy some beer, or did you just infer that?

A. No, he just said he wanted to borrow 10 cents.

Q. But you knew -- you knew something about him, and you knew him to be a person who did drink. Had you ever seen him drinking beer?

A. Yes, I've seen him drinking beer, and I've seen him drunk.

Q. I see. So when he asked you for the 10 cents that morning, you sort of fought him off and changed the subject and left him so as to not to get involved.

A. I refused.

Q. Now, there appears on page 10 of this section of the Nashville Tennessean newspaper a square that has a headline that says, "The 10 cent Fib." It says, "Lonnie Mann's story has the ring of truth, and sometimes small elements of his account elicit this well.

"For example, Mann says today that

although he had money on him that Saturday morning - April 26, 1913 - when Jim Conley asked to borrow a dime, he lied and told Conley he was broke.

"Mann explained that Conley had borrowed money from him in the past and had failed to repay. The office boy did not want to lose any more money to the factory sweeper.

"An article published in 1914 by W. E. Thompson of Atlanta entitled A Short Review of the Frank Case, says Conley 'borrowed money from many of the white people and would not pay them. He swears he owed many and when payday came, he sometimes got another Negro to get his pay envelope and slip it to him outside to keep from paying his debts.

"When he got it himself, he says he slipped downstairs and down that scuttle hole and out at the back basement door."

A. That's right.

Q. So that purports to be an article in the Nashville Tennessean about you lending -- about you having some money in your pocket and this man wanted to borrow a dime from you; and you are saying that is true?

A. That is correct.

Q. And you told again today precisely what

you told to the newspaper.

A. That's correct.

Q. Now, you say that you saw Mr. Conley -- you saw Mr. Conley, the black man, that morning; and he was drinking beer, and you thought apparently drunk, or at least on the way to being drunk, at least he showed some evidence of having drunk some beer.

A. That's true.

Q. And you declined to lend him money. Now, you saw him again the same day.

A. When I came back, he had the girl in his arms.

Q. Now, that -- the girl, do you recollect that as being the girl that was murdered, Mary Phagan?

A. No, I didn't know it was Mary Phagan. I just know it was a young girl.

Q. But now you know that that was --

A. Now I know since they found Mary Phagan dead.

Q. And you have -- you have told again, for the purpose of this testimony you have reiterated in substance what you have said here in your affidavit concerning the matter. And let me read that to you so we can get what you have just said. Which you

said without any notes and without reading, you have just given another account of this matter; and you previously gave the account that appears in the affidavit, and for the sake of the record let me read regarding what you said there.

You said, "When I had left the company premises just before noon, Mary Phagan had not come to collect her pay. When I left the building, down the stairs and out the first floor door, Jim Conley, the janitor, was sitting where I had seen him when I came to work in the darkened area of the stairwell.

"I walked to the point where I was supposed to meet my mother. It was a short distance - perhaps a block and a half. We had agreed to meet in front of a store on Whitehall Street. My memory is that my mother had planned to buy a hat that day. I stopped and bought a hotdog on the way to meet her. However, when I arrived, she was not there. She had told me that if she was unable to come, for me not to worry. I waited for her for a few minutes. Since I didn't care much about seeing the parade, I went back to work.

"I can't be sure as to exactly how long I was gone, but it could not have been more than a half hour before I got back to the pencil factory.

"I had no idea that I was about to witness an important moment in a famous murder case - a moment that has not been made public until now: That I was about to become a witness to tragic history.

"I walked into the building by the front door."

A. That's correct.

Q. "Inside the door, I walked towards the stairwell."

A. That's correct.

Q. "I looked to my right and I was confronted by a scene I will remember vividly until the day I die."

A. That is certainly correct.

Q. "Jim Conley was standing between the trapdoor that led to the basement and the elevator shaft."

A. That's what -- that's what happened.

Q. "I have an impression that the trapdoor was partially open, but my eyes were fixed on Jim Conley."

A. Yes.

Q. "He had the body of Mary Phagan in his arms."

A. Yes. He had a body of a young lady in his arms.

Q. "I didn't know it was Mary Phagan. I only knew it was a girl.

A. Yes.

Q. "At that moment I couldn't tell if she was alive."

A. That is correct.

Q. "She appeared to be unconscious, or perhaps dead."

A. That is right.

Q. "I saw no blood."

A. That's correct.

Q. "He was holding her with both arms gripping her around the waist."

A. Yes.

Q. "I can't remember the color of her clothes but I have an impression that she had on pretty, clean clothes."

A. Yes, she did.

Q. "She was extremely short and her head was sort of on his shoulder, or over it."

A. Yes.

Q. "Her hair was streaming down his back."

A. Yes.

Q. "Her hair was not in braids when I saw her. It was hanging loose. I saw no blood on the part of her neck that was exposed. I do not know if she was dead, but she was at least unconscious. She was limp and did not move."

A. That is the way it happened.

Q. "Her skirt had come up to about her knees."

A. Yes.

Q. "It was as I suddenly barged into the first floor, prepared to go up the stairs to the office, that I encountered Conley with the body of Mary Phagan.

A. Yes.

Q. "Conley was close to the trapdoor that led down to the basement by way of a ladder."

A. Yes.

Q. "I believe that from the direction he was heading and the attitude of the body that he was preparing to dump the body down the trapdoor."

A. Yes, I believe that.

Q. "I have no clear memory of whether the elevator had stopped on that first floor -- "

A. No. The elevator hadn't stopped on that floor as far as I could see.

Q. "-- but if it was not on that floor, the shaft would have been open."

A. That's right.

Q. "He could have dumped her down the empty elevator shaft."

A. No, he couldn't have if the elevator wasn't --

Q. I understand, but the affidavit said he could have dumped her down the elevator shaft.

"I believe for some reason Jim Conley turned around towards me."

A. Yes.

Q. "He either heard my footsteps coming or he sensed I was behind him."

A. Yes.

Q. "He wheeled on me and in a voice that was low but threatening and frightening to me, he said, 'If you ever mention this, I will kill you'."

A. And he reached out after me, but he couldn't reach me.

Q. "I turned and took a step or two - possibly three or four steps - up towards the second floor, but I must have worried about whether the office upstairs was closed. I did hear some movement upstairs, but I can't be sure who was on the floors

above. I fearful that the office might be closed, and so I turned back towards Conley. I wanted to get out of there quick."

A. That statement is correct.

Q. "He got to within about 8 feet of me. He reached out as if to put one arm or hand on me. I ran out of the front door and raced away from the building."

A. That is correct.

Q. "I went straight home. I rode the streetcar."

A. That did happen.

Q. So you are now reiterating for the purpose of this testimony exactly, precisely what you told the Tennessean in affidavit form and which affidavit appears in the Tennessean newspaper?

A. All of that is true. That whole story is true.

Q. Now, Mr. Mann, when you got home, can you -- you are a 14-year-old boy. And you had, according to your now testimony, on that fateful day had witnessed what you saw, Jim Conley with Mary Phagan in his arms. What did you tell your mother about that?

A. I told my mother when I got into the

house what had happened; and she, of course, says, "Don't say anything about it, and we will wait and see how it comes out." So the next morning they find Mary Phagan; and the next morning my mother says, "Don't say anything about it because we don't want to get involved in it." She talked to my father, and he told me the same thing. He said, "We won't get involved in it unless we have to."

Q. You remember that clearly today. I mean at this very minute as you are looking here at a member of the board, Mr. Wing, you are now telling that you today recollect that at this very moment what took place.

A. I certainly do. It isn't hard to remember.

Q. And that is after you got home -- were you scared?

A. Well, I was nervous. I guess I was scared.

Q. And you saw your mother, and you told her that you had seen this black man holding this young girl -- white girl in his arms and what had happened.

A. And she said, "Say nothing." She talked to my father, and he said the same thing.

Q. Now, when she first told you that, she

didn't know whether the girl was dead or not dead.

A. That's correct.

Q. Because you didn't know whether the girl was dead or not dead.

A. That is correct.

Q. And you didn't tell her on that occasion that the girl was dead.

A. No, because I didn't know it. I didn't know until the next day.

Q. But she told you on that occasion, without regard to whether Mary Phagan was dead or not dead, she told you, "Look, don't tell this to anybody."

A. That is what she said.

Q. Now, did she tell you to tell a lie to anybody or misrepresent it? What did she say? Suppose somebody had come to you and asked you about it.

A. She said, "Just answer the questions they ask you to answer."

Q. She did not told you to lie.

A. No.

Q. She simply told you not to volunteer or tell anybody anything you weren't asked.

A. That is correct.

Q. And your testimony is that she then went further and said, "But if somebody does ask you, then you tell them the truth."

A. Well, later on she said, "If anybody asks you exactly what happened, you tell them the truth."

Q. So when you had your conversations with the detectives and with the police and with the prosecuting attorneys and with the lawyers for the defense, you had -- nobody ever asked you --

A. No one ever asked me.

Q. Did you ever have any conversation with Mr. Leo Frank in which you told him?

A. Before they arrested Mr. Frank, he did come to me and say one or two words. I don't exactly remember what they was; but he said, "I feel uneasy."

Q. But you did not discuss with him --

A. No, we didn't go into it. He did tell me he felt uneasy.

Q. And you liked Mr. Frank?

A. I liked him very much.

Q. And he, as far as you had known, had been a good employer; and everything you knew about him was favorable.

A. He was a good employer, and his wife was --

Q. I believe there had been testimony in the trial, or subsequently there was testimony in the trial, trying to indicate that Mr. Frank had drank whiskey and that Mr. Frank had women come to his office and so forth.

A. None of that is true. They were all lies, every bit of it. I kept the office straight. I know. There wasn't any beer cans or whiskey cans, no nothing to show signs of anything wrong; and I never saw Mr. Frank put his hand on a person. I never saw him stop and talk to women. He was strictly business. If he told you to do something, if you didn't do it, he reminded you of it. If you didn't do it right, he would tell you about it; but he was nice about it.

Q. And he was indicted for murder?

A. Yes.

Q. Now, why didn't you tell the police about this or tell Mr. Frank about it or tell the lawyers about it? You had seen something, you were 14 years old; and what is your testimony as to why you did not tell anybody about what you have now sworn to in this affidavit?

A. My mother and father told me not to get mixed up in it.

Q. And you respected your mother and father.

A. I certainly did. When we go on further, there was such a mob at the trial -- of course, we will wait for you to get to that.

Q. Well, go on now, in your own words.

A. When I went to court, my mother says, "Don't answer anything except the questions that are asked you." When I went in the courthouse, there was at least 500 people on the street; and they were saying to each other, "Kill the Jew. Kill the Jew." And they had some there -- some had pistols. Some had knives. They were crazy. So I went in, and I was afraid. So when I went in and got on the stand, I just answered the questions they told me to. I was afraid to say about everything because I was afraid of the crowd outside. And I did what my mother and father told me to.

(A recess was taken).

Q. (BY MR. HOOKER) Mr. Mann, I only have one further question. And then after you answer this, then I would like for you to then answer the questions of anybody else in this room who wants to ask you questions.

A. I certainly will.

Q. But you have testified now on the record in front of this video and audio equipment so that

your testimony is going to be perpetuated about the things that you know concerning that fateful day, April 26, 1913 --

A. That is correct.

Q. -- and you have given your testimony about that.

A. Yes, indeed.

Q. And this is April the 11th, 1982. November the 11th, 1982 -- November the 10th, 1982. My name is John Jay Hooker, and I am in Atlanta, Georgia. November 10th, 1982. And here we are in Atlanta, Georgia; and you have given the testimony about that April 26th date, 1913, and the surrounding circumstances.

After this, Mr. Mann, after the time of this trial, you were just a boy 14 years old, many years passed. I think you have told me, and I wish you would say for the record -- I heard you tell Jerry Thompson and Bob Sherborne about a 14-year-old boy. In those days a 14-year-old boy had a different --

A. May I say this: A 14-year-old boy in 1913 was just a child to their parents. Today it is different. A 14-year-old boy today is almost a grown man in ways, and sometimes he knows more than we do.

Q. But in 1913 as a boy living in that time, you felt the responsibility to do precisely what your mother and father told you to do.

A. I certainly did.

Q. Which, if I may paraphrase -- if I overstate this or if I am leading you in any way or misstating it, then you correct me. But as I understand what you are saying is, that you did precisely what they told you to do, which was, one, to tell nobody what you saw.

A. Unless I was asked.

Q. Unless you were asked, and then tell the truth.

A. Yes, sir.

Q. Now, nobody asked you; and, therefore, you followed the instructions of your mother and father, and you didn't tell anybody.

A. Yes. That's the way it was.

Q. At the time of the trial. Now, after that you did -- as you grew up, you did then begin to discuss the Leo Frank case with people through the years.

A. I discussed it with many people.

Q. Now I wish for the sake of this record that you would right here in the presence of Mr. Wing,

a member of the board of the Georgia Pardons and Paroles Board, I wish for his benefit that you would tell what took place over the years regarding you and the Frank case; in other words, here we are in November of 1982, and you have given this testimony on the record. You understand you are doing that in a situation in which the Defamation League and others have made application for a posthumous pardon for Mr. Leo Frank. You have come forward at your age and place in life and given this testimony; and you have given it here before this tape recorder and video machine so that it can be perpetuated. You come here in pursuit of a pardon for Leo Frank.

A. That is right.

Q. Now, explain what happened between the time of your boyhood and now as to why you come forward now and what you tried to do during the years about coming forward and so as the people can understand why you are a man 84 years old are here today for the purpose you are here. Explain that in your own words.

A. Many times I tried to tell people about this. I never tried to tell the newspaper; but I did try to tell one newspaper, and they wouldn't listen to me. So I tried to tell a lawyer at one time, and

he wouldn't listen to me; and I told other people, but I never went to a newspaper but once to get the news correctly -- to get it right. So finally the Tennessean came to me, and I --

Q. Let's go at a slower pace. Did you at one time have a fight with somebody about this?

A. Oh, yes. In the Army I was -- a young man named Spencer was in the Army with me, and he was discussing the Leo Frank case; and he told me that Leo Frank killed the girl, and I said, "He did not kill the girl." And I said something -- a few more words how true it was that he didn't; and he cussed me out, and we got in a fight. But I was pretty healthy there. I think I whipped him.

Q. So you were keeping -- you followed your mother and father's instruction.

A. Yes.

Q. But as you grew to be a grown man, you always acknowledged what you are now acknowledging, and that is that you saw something on that fateful morning that made you convinced that Leo Frank did not kill this young lady.

A. That is correct. I have witness to that.

Q. And you have throughout your life, throughout these ensuing 70 years --

A. I never tried to keep it hid.

Q. Never concealed it from anybody.

A. No, I said it.

Q. Now, you say you had a discussion with a newspaper about that.

A. I did. It was in Florida. I told him everything. He ate with me in one of my restaurants. He ate with me, and I told him everything in detail; and he went back there and reported it to the office. He is dead now.

Q. And what did he say to you as to why he wasn't going to write it?

A. He said he would have to report it to higher up because Mrs. Frank was living at that time.

Q. And the newspaper decided -- did he tell you why the newspaper was --

A. Yes. He said the newspaper he didn't think would print it because Mrs. Frank was still living, and they didn't want to bring it back up again.

Q. Because it might maker her unhappy or reopen old wounds and that sort of thing.

A. I am sure that was the reason; but he died later on, and he was a reporter.

Q. You were telling him for the purpose of

getting it out in public at that time.

A. That is exactly the reason I told him.

Q. And that was unsuccessful.

A. Yes. Very unsuccessful.

Q. Now, then, I think you testified earlier that you read the book of Harry Golden concerning -- about the girl who slipped.

A. I read about 40 pages of it.

Q. And then that made you determine one more time to go and try to get it made public.

A. That's correct. And the more I read the book, the more lies that was in it. Of course, now I don't know who gathered up this story altogether. I guess he had many. But I made notes in the book.

Q. And then it just so happened by fate that your nephew happened to work for Jerry Thompson of the Nashville Tennessean.

A. That's correct. And he said I know --

Q. And really your nephew is the one responsible for contacting Jerry Thompson, and Jerry Thompson is responsible for getting the newspaper to agree to publish what you say took place.

A. Yes, and I was grateful for that. I am still grateful.

Q. Why did you -- and for the record, if you

would, tell Mr. Wing here and Mr. Silas Moore of the Georgia Pardons and Paroles Board, why are you so intent upon getting this matter public and on the record?

A. I have always wanted it on the record, but I couldn't get no one to listen to me. Everyone I would tell passed it off. They didn't say anything; and they didn't say they didn't agree, they didn't say they did agree. They just paid no attention to me. I even talked to a lawyer one time, a lawyer that was fixing to graduate; and I told him if he would take my story and do something with it, that it would help him get started. He paid no attention to me.

Q. Did you worry about -- when you started having your conversations with Mr. Thompson and it became apparent to you that Mr. Thompson was intensely interested, I guess it is fair to say that when you -- when Mr. Sherborne and Mr. Thompson came to see you, you were aware that at long last you had found somebody who was interested and intensely interested in your story.

A. I was glad to know that.

Q. And they were greatly interested in it.

A. Yes, they was.

Q. Once you learned that, then you decided to be cooperative with them and submit yourself to lie detector tests or whatever was necessary so that you could convince them of the truth of what you were saying.

A. That is exactly right.

Q. And did they make it clear to you that they wouldn't print what you said unless they could try to verify it and had some confidence in the truth of it?

A. No. We didn't go into that. We just went through the story.

Q. Went through the story. But they did tell you that they wanted you to take a lie detector test to find out whether you were telling the truth?

A. Yes. And then they told me they were going to print it, but I had no idea it would be ten pages. I just thought it would be a little notation.

Q. And you did know they were trying to be sure what they printed was accurate. They didn't just want to take some prank and print something that --

A. That's the only way I wanted it, was the truth from the beginning. I wanted the truth, nothing but the truth.

Q. Apparently they did, too.

A. That's right. They asked me nothing that wasn't. They asked me to tell the truth.

Q. The Tennessean asked you that? What did they say to you about that?

A. Well, Jerry and Tom told me to tell the truth.

Q. Jerry Thompson and Bob Sherborne.

A. Yes. And I told the truth about everything, and the paper is the truth. That's one piece of news that told the truth. I don't know about all papers, but that is the truth.

Q. Now, did you talk to members of a -- to your preacher or to -- when you got ready to -- when you knew was going to become public, what did you do about that?

A. I gave my preacher one of the papers, and he read it; and he seemed to think that I was right. In fact, he did think I was right. I gave it to my choir director, and he agreed that I was right. I gave it to several other members of the church, and they all praised me for it. No one has ever condemned me for it. I gave out about 50 papers.

Q. What were you afraid they would condemn you for?

A. Well, because they wondered why I didn't tell it before. That was all, just that one reason. But I did tell it before, but I couldn't get anyone to listen.

Q. So you have satisfied your own soul first on the proposition that you did what your mother and father asked to you do at the time of the trial.

A. And I perfectly permanent satisfied, and I feel like I was right in everything I did; but it did worry me during the years.

Q. And you wanted before you died and met your maker, you wanted to set the record straight in the matter of Leo Frank.

A. I think that was the proper thing to do, and I still feel right over it; but I didn't know it would happen. I didn't know that I could ever tell it all or not. And I am still glad that I told it all.

Q. Did you have any purpose, other than the purpose of getting the record straight, of coming forward with this story?

A. There was no promises involved. There was no money involved. And today there hasn't been any money involved in my story -- about my story. I mean about what I told them. Jerry Thompson and Bob

Sherborne, I told them from now on to have it completed and do what they want to with it.

Q. I understand.

MR. HOOKER: All right, ladies and gentlemen. That concludes my part of it. I am Mr. Mann's lawyer. I wanted him to say on the record and in the presence of Mr. Wing and Mr. Moore what he has said; and I think we have some time left, and Mr. Schwartz -- maybe some others have some questions. So if you just ask Mr. Mann whatever you want.

This is Mr. Dale Schwartz whose name appears in the record already. Go ahead, Mr. Schwartz.

EXAMINATION

BY MR. SCHWARTZ:

Q. Thank you very much, Mr. Hooker. My name is Dale Schwartz, Mr. Mann. I believe we met last night for the first time.

A. We met one time.

Q. All right. You understand that I am an attorney, and I represent the organizations here in Atlanta, that is, the Anti-defamation League and the American Jewish Committee and the National Jewish Federation who have petitioned the Georgia Pardons and Paroles Board for a posthumous pardon for Leo

Frank. You understand that I am their attorney.

A. I will agree with you.

Q. Thank you. Mr. Mann, first let me ask you just a few questions. Do you have any kind of relationship or connection at all with any of the organizations that I represent whose names I just mentioned to you?

A. I have no connection with them at all.

Q. You are not a member of any of those organizations?

A. No. I don't even know them.

Q. You never had any dealings with them?

A. You are the only one I know.

Q. I think you already testified that nobody had offered to pay you anything for your testimony.

A. Nobody offered me anything or given me anything.

Q. No promises or award or anything like that to come forward with this story now.

A. That is correct.

Q. Mr. Mann, let me take you back again for a few moments if I could to 1913, to April 26. Could you describe for us Jim Conley? I know you already told us that he was a black man who had light skin, but can you describe his physical appearance to us?

A. His physical appearance, he was short, chunky, healthy looking, stout, and mean, and drank.

Q. Had you had any run-ins with him?

A. No, I had never had a run-in with him.

Q. You said he was mean?

A. The only run-in I had with Jim Conley is he asked me for money, and I wouldn't give it to him.

Q. You described Mr. Conley as being mean. Can you tell us how you know he was mean?

A. He was mean because he was drinking, and he borrowed money from different people, and they didn't like him; but I never did see him hurt anyone.

Q. Were you afraid of Mr. Conley?

A. Well, I was afraid after he told me he would kill me, because he could have.

Q. But prior to that time, would you have had any reason to be afraid of him?

A. Oh, no. I never had any dealings with him at all except in money matters. That day he asked me for money, and I turned him down.

Q. Can you tell us what Mr. Conley's reputation was in and around the pencil factory?

A. His reputation in the factory was bad. As a bad Negro.

Q. In what way was it bad?

A. Well, they didn't like his style. They didn't like the things he did. And he wasn't too nice to people.

Q. Was he often drunk on the job?

A. He was smart. He had a lot of sense, but it was the wrong kind of sense.

Q. Did you know from your own knowledge whether or not Mr. Conley could read and write?

A. Well, to my knowledge Conley could read and write because I have seen him with a pencil and paper; but I didn't see him write.

Q. All right. Okay. Now, when you saw Jim Conley and you ran out into the street after you saw Conley with the body of a young girl that he was carrying in the pencil factory, were you scared at that moment, Mr. Mann?

A. Yes, because if had gotten his hand on me, he could have dropped the girl and killed me first. I had that much sense.

Q. If you were scared at that time, would you tell us were there any people out on the street when you ran out the front door of the pencil factory?

A. People just walking up and down. I didn't run out. I just got out quickly.

Q. Did you holler for help, or did you ask

anybody to help you?

A. I did not.

Q. Can you explain why you didn't? It seems like a young boy 14 years old who had seen something like that would have been kind of scared and maybe going to holler for help.

A. Well, I thought perhaps they would take me back in the building, and it would just cause more problems.

Q. You didn't want to cause any trouble; is that what you said?

A. I didn't want to get back into it. I wanted to get out of it. I was scared.

Q. What did you do? Did you jump on a streetcar and go home?

A. No. I went up to Whitehall Street and caught the streetcar home and went to Westend. It cost a nickel.

Q. Now, after you got home and discussed this matter with your mother, did you and your mother -- after Leo Frank was indicted, did you have any opinion as to whether or not Leo Frank would be found guilty of this crime?

A. We didn't know, and my father and mother said they didn't see how he could be proven guilty.

I heard them say that.

Q. Is that perhaps another reason why you didn't bother to come forward with your story?

A. That is one of the reasons, and the other reason is because they told me not to say anything unless they asked me.

Q. But after Leo Frank was found guilty, were you and your mother and father surprised?

A. After Leo Frank was found guilty, my father and mother still thought that it was wrong and he would be acquitted.

Q. On appeal or something like that?

A. They didn't think he would be sentenced. They thought the trial would work out the way he would be acquitted.

Q. Did you have any plan that if he wasn't acquitted ultimately, did you have any plan to come forward and tell your story at that time?

A. We didn't think that far ahead. My father and mother -- I heard my father say to the next door neighbors, "They will acquit Frank." He said, "They won't convict him." That was -- that's the way it was.

Q. Mr. Mann, tell us what was significant about your seeing Jim Conley carry this young girl's

body through the pencil factory. How is that a significant factor in the Leo Frank case?

A. I felt like that he had done something to the girl, and I didn't know whether she was dead or alive. I didn't know it was Mary Phagan. I didn't know what had happened; but when he said he would kill me, and I knew if he got his hands on me he would, I was glad to get away.

Q. Was the only day that you were in court the day that you testified in the Leo Frank case?

A. That is correct -- no. I stayed around the courthouse several times and heard different people talk.

Q. During this trial you mean?

A. Oh, yes.

Q. Were you ever in the courtroom and hear anybody else's testimony?

A. I was in the courtroom one time. That was when I was on the stand.

Q. So you didn't get an opportunity to hear Jim Conley's testimony, did you?

A. No. I didn't hear his time around.

Q. Did your folks buy newspapers and follow the trial?

A. I bought newspapers and looked at the

headlines.

Q. And, of course, you could read those papers at that time in your life?

A. Oh, yes. Yes, I could read.

Q. And you followed Jim Conley's testimony through the trial. He was on the stand for quite some time, as I recall?

A. Most of it. I think I read most of it.

Q. All right. Now, if that's the case, then you undoubtedly knew that Jim Conley testified that he and Leo Frank dragged the body of this little girl to an elevator and took it down into the basement of the building.

A. Jim Conley, a man as stong as he was, was the only one who could handle the girl. A weak person couldn't pick her up.

Q. I thought you said she was very small.

A. Well, he picked her -- oh, he could handle her, yes.

Q. Are you implying that Leo Frank --

A. I am saying a weak person -- a small person couldn't handle the girl.

Q. But I think his testimony was that they went from an upstairs floor down to the basement on the elevator with the body.

A. No, I don't think they did. I think the trapdoor was waiting for Jim Conley to throw her down.

Q. And so that is the significance, is it not, of your having seen Jim Conley carry this little girl's body across the main floor of the building, the street level floor is that --

A. He was -- here's the drive, the road. It has a -- the hallway to the steps. The elevator is over here. The trapdoor is here, and it is about 8 feet across. And the steps are here, and he was standing between the elevator and the trapdoor with the girl in his arms (indicating).

Q. Which would imply that he did not take her down to the basement on the elevator that day.

A. No. I think he took her down through the shaft or lifted her to the shaft.

Q. Now, in court, Mr. Mann, how long were you actually on the witness stand answering questions; do you recall?

A. I wouldn't say over three or four minutes.

Q. And were you excused as a witness at that point?

A. Beg your pardon?

Q. Were you excused as a witness? Did they tell you you could leave?

A. Oh, yes. They came to me and accused me and said I seemed to be too much excited, and I was too young, and I didn't have anything of value.

Q. So did the Judge excuse you --

A. The lawyers put their heads together and talked.

Q. Mr. Frank's lawyers, that is?

A. His lawyers and also the --

Q. Also the prosecutor?

A. All lawyers.

Q. They conferred, and they decided that you were too young or too upset about it?

A. That's right. My testimony was no good.

Q. All right. And at that point they excused you then. Now, could you tell us how you have felt personally throughout all these many years, almost 70 years since the trial, about the fact that you didn't get a chance to tell your story and testify?

A. I had many reasons to feel bad about it. But I knew if I had gone through with the things that y'all were -- most people think I should have done, I could have been killed by the mob or either by Jim Conley, and they could have killed Frank. They could have lynched him right there in Atlanta, and I didn't

-- certainly didn't want to lose my life or get into it. But all the years that I went through and knowing it, I did mention it to many people to get some of it out of my heart.

Q. I think you had said earlier, Mr. Mann, that there were some 500 people outside the courthouse --

A. At least that many.

Q. During the trial.

A. You could hear them mumbling, "Kill the Jew."

Q. Did they actually shout that? Could you hear them inside the courtroom? Could the jury --

A. No, inside the courtroom was quite.

Q. Were there people in the courtroom who, as far as you knew, held that same attitude or opinion?

A. I imagine a good many of them did. Back in those days the Jewish people wasn't thought much of in Atlanta. That was in the early years. And they were coming in and going into business and opened up business shops; and the public didn't like it. They wanted the business for theirselves.

Q. So it was sort of an economic resentment of them?

A. That's right. That's correct. Right now it would be taken different today.

Q. We would all hope so, anyway.

A. No. Today they would figure if Jewish people came here and spent a lot of money, it would help our town; but in those days it was different. But I always got along with Jewish people because I'm part Irish.

Q. Did you know that Mr. Frank was Jewish when you were working for him?

A. Oh, yes, I knew he was Jewish.

Q. That didn't bother you in any way, did it?

A. No, not in one way. We got along wonderful. I get along with Jewish people. I always get along with Jewish people.

Q. Do you recall what your salary was as office boy there?

A. I made $8 a week.

Q. $8 a week?

A. And worked 12 hours a day.

Q. Had you dropped out of school to take that --

A. Half a day on Saturday.

Q. You had dropped out of school to take that job; is that correct?

A. Beg your pardon?

Q. Had you dropped out of school to take that job?

A. No. I dropped out of school because I crawled up the aisle one day, and the teacher made me come up to the room and sit in a chair and look at the blackboard; and she said, "You should be whipped." But Miss Carlisle, I remember her well, she said, "I can't whip you." She said, "I will call the principal." So she called the principal; and when the principal wanted to take me to the coat room and whip me, I said, "No." So I went home.

Q. And you dropped out of school; is that correct?

A. And dropped out of school. My mother tried to get me to go back.

Q. You were about 14 years old when you dropped out of school; is that right?

A. Yes.

Q. Did you ever have a chance to go back and finish school?

A. No. But I took some correspondence courses, and I learned as I went along. I did very well in life. That didn't hold me back too much. A man don't have to be too well educated to make a

success unless he's a lawyer or doctor or some professional man. And I wasn't, but I did all right.

Q. Is there anything else now that you can think of that you would like to tell us while we are talking about this?

A. I don't know of anything else I can add to the case.

Q. You feel that you have told everything that you know?

A. I told everything I know, and I thought that -- when I told it, I thought that would be just a short story and it would be over with; but since you want more, I am trying to give it to you.

Q. Okay. How do you feeling now that you have finally had an opportunity to tell your story to some folks that will listen to you?

A. I feel much better. I am glad it is over with, but I will never forget it. I will never forget it; and I hope that Leo Frank will get a pardon, and I think it should be that way.

Q. Thank you very much.

MR. HOOKER: Thank you Mr. Schwartz. Now, anybody -- I think, Mr. Wing, you and Mr. Moore -- we are so happy to have you here, and the witness is yours and you ask him anything you want to for any

length you want to.

EXAMINATION

BY MR. WING:

Q. Thank you. We are happy to be here and appreciate you talking with us, Mr. Mann. Just a couple of points I wanted to clear up.

A. Yes, sir.

Q. Now, at the factory the day you saw Jim Conley holding the girl, he was between the trapdoor and the elevator?

A. Well, here is the entrance right here (indicating) --

Q. Yes, sir.

A. -- on the right, but the steps are on the left. So you go in, and the elevator is here, and the trapdoor is here, and the steps are over here, upstairs. In other words, this is the entrance. Over to the right is the elevator and the trapdoor, and right in front of the elevator and trapdoor is stairs, and you begin at the stairs after you step into the door, 2 feet; so that's the way it was located (indicating).

Q. Okay. Could he have come to that floor from upstairs through either coming down the stairs or the elevator?

A. I don't know how he got downstairs. I really don't. I just know he was on the first floor. I never thought too much about that. He could have brought her down the steps because he was a strong Negro.

Q. From what you saw, it couldn't indicate either way?

A. If he came down in the elevator, he must have pushed it back -- he must of let it go back up. The elevator was not there when I came in.

Q. And if he wanted to go all the way down to the basement --

A. He would have to go all the way with the elevator.

Q. The elevator did go all the way down the basement.

A. Oh, yes. It would if you wanted to go to the basement. But when you went to the basement, then the door would have to be shut because if the elevator was down there, it would be open, someone could fall through it.

Q. I understand. Okay. He was --

A. He must have brought her down the steps. I never thought too much about that part.

Q. Actually, if he had been on the elevator

and wanted to put something in the basement, he could have ridden straight down without stopping?

A. Oh, yes. He could go down and never stopped on the first floor.

Q. And when you saw him between the elevator and the trapdoor, was he facing either way?

A. Well, he was halfway facing. He was standing at halfway, and the girl was on his shoulder; and he was looking towards the door because I think he sensed that someone might come in. He didn't have time to go to the door and lock the door. The door was unlocked.

Q. When you first got a glimpse of him, he was not walking; is that right?

A. No. He was standing still.

Q. Standing still

A. He looked over at me and reached out like this (indicating) and said, "I will kill you if you say anything about it."

Q. After that day, did you ever have occasion to talk to Jim Conley or meet him again?

A. I seen him once or twice slightly, but I never talked with him any more. He stayed clear of me because he thought maybe I had already said something or would say something. He stayed clear of

me. He didn't work much longer after that. They arrested him pretty soon.

Q. And I understand that you did speak, at least briefly, to Mr. Frank after that?

A. Oh, yes. I talked to Mr. Frank the next day and the day after that, but it was on business. But he came to me, and he called me by my name, and he said, "I'm uneasy." He liked me.

Q. So, in other words, the company opened up right after that; and everybody went back to work.

A. Oh, yes. He felt like it -- they would get him into it or implicate him. He felt that way.

Q. So he was feeling uneasy before?

A. He was uneasy before they arrested him.

Q. Before any public knowledge of --

A. Yes, he told me so.

Q. Okay. Did he indicate why he would feel uneasy?

A. No, he didn't say. He just said, "I feel uneasy." Mr. Dolly was the assistant manager. Mr. Ship was the office manager. Mr. Lord was the office clerk. I knew them all, and they were all nice to me; and they were all Jewish. Except Dolly, he wasn't. The assistant manager was not Jewish.

(Discussion ensued off the record).

Q. (BY MR. WING) Did they arrest Jim Conley almost immediately after they found the body?

A. It wasn't too long afterwards. I didn't keep up with the time. I really don't know just how long it was, but they did arrest him; and they also arrested a night watchman, Newt Lee.

Q. I guess this is the point that concerns me. It was the first time that came up today that everybody went back to work. Apparently Conley was arrested; and during this period of time before he's been accused, Mr. Frank states he feels uneasy. Is that right?

A. The very next day Mr. Frank came to me and tapped me on the shoulder and spoke to me; and he says, "I feel uneasy," the very next day.

Q. And you didn't have occasion to talk about anything he might have done at that point?

A. No, he didn't talk about it.

MR. THOMPSON: Mr. Wing?

MR. WING: Yes.

MR. THOMPSON: If I may, in the interest of clarity here.

MR. WING: Go right ahead.

MR. THOMPSON: Mr. Mann, we asked this same question, if you remember, back last February or

March at your house. I am Jerry Thompson. You know me.

THE WITNESS: Yeah. I don't remember exactly how I answered it, though.

MR. THOMPSON: You told me that -- and then our research bore this out later -- that before Mr. Frank told him that he felt uneasy that Mr. Frank himself had been questioned on several occasions by the police. They had gone to his house, whisked him away before breakfast, took him to the pencil factory, and asked him to show them around. They took him to the morgue and asked him to identify the body, and he had already been questioned several times by police before they went back to work on Monday morning.

And it was on a Tuesday morning, I think he told us at that time and I think we related it in this story, and I am sure our research will reflect that, that he had been questioned by the police before he told him; and he even went further to say, "You can do right all your life and still things will happen to you." Do you remember him saying something to that --

THE WITNESS: If I said that, it's true. Of course, right now I can't remember just everything I said in the correct words, but whatever I told you

is correct. It may not have been the next day. It may have been a day or two later.

MR. THOMPSON: But regardless of that fact, that was a point of concern for us also, why was Leo Frank feeling uneasy if he had nothing to do with it. He had been questioned by police on I know two occasions and maybe more because he is remembering back 70 years. I am trying to struggle remembering back 8 months. But he had been questioned by police, and that question -- the line of questioning had given him cause to feel uneasy about his own situation.

THE WITNESS: Well, that was the reason then. But I never thought too much about it what happened outside. Whatever I told you was correct. Now, if I am varying a little bit is because I -- anybody would vary some in trying to tell something.

MR. THOMPSON: Go ahead, Mr. Sherborne.

MR. SHERBORNE: I don't know if I am hooked up a to microphone. I am Bob Sherborne. In our conversations with Mr. Mann, he had a -- as he related to us, he had a conversation with Mr. Frank. He says the next day. The chronology is the next day after the murder, of course, was a Sunday. The factory reopened on Monday morning.

THE WITNESS: It was on a Sunday, that's true.

MR. SHERBORNE: The factory reopened on Monday morning. It was shortly closed after that. It stayed open only a short time because the girls became hysterical, and they closed the factory. On Tuesday Mr. Frank went back to the factory and sent Mr. Mann out to get a newspaper, which he brought him, which was a special edition which said that Mr. Frank was to be charged with the murder that day.

MR. WING: Okay. So by the time they went back to work, he had already been questioned in an accusatory manner.

MR. THOMPSON: He had been questioned on Sunday, the day the body was discovered.

THE WITNESS: Of course, I know the next day was Sunday. We were closed.

MR. THOMPSON: Long before Mr. Mann and Mr. Frank got back together.

THE WITNESS: If I am a little off the track, I can't be perfect.

MR. WING: I understand that.

MR. HOOKER: Mr. Wing, I think on this point, because you have raised it, that basically what Mr. Sherborne has just said is a part of the

exhibit. Let me show that to you and see if that satisfies your question.

MR. WING: It has already been satisfied really.

MR. HOOKER: You go ahead, and I will show it to you so you can glance at it.

Q. (BY MR. WING) Okay. Mr. Schwartz got into this a little bit; but at your home in private conversations with your parents, what was the reaction in the home once Mr. Frank was charged with it?

A. You mean reaction in my home?

Q. Yes, just the conversation back and forth.

A. The reaction in any home was that my father and mother said, "Well, they can't find him guilty. They will not find him guilty." They never thought he would be found guilty.

Q. They realized at that point that what you had seen was part of a murder taking place.

A. Oh, yes; but they didn't see how they could -- they didn't see how Leo Frank could be convicted.

Q. Right.

A. My father was a very smart man. He had a lot of sense. He was a good man, and he told the

neighbor next door; he says, "They will not convict Frank."

Q. Was that the prevailing attitude in the community there?

A. That was his attitude.

Q. What about the other people in the community?

A. I think that he would tell anyone that he talked to. I know I did hear him tell the neighbor next door.

MR. WING: I think that's all I have, Mr. Mann. Do you have anything, Mr. Moore, that you want to ask?

EXAMINATION

BY MR. MOORE:

Q. I have one, Mr. Mann. An earlier question seemed to assume that Jim Conley when you saw him was on his way down from an upper floor. Is it possible from the way he was positioned that he had not come down from an upper floor but, in fact, had had the confrontation on that main first floor of the pencil company shortly before you came on to the scene?

A. Oh, yes. That could have happened as she come down the steps; but I was thinking in case he

did come down, he didn't come down -- I don't think he came down on the elevator. He would have come down the steps, but now I do believe that he attacked her as she came down the steps.

Q. It is not your belief necessarily that Jim Conley had brought the body of the girl down to the first floor --

A. No.

Q. -- but the confrontation happened right there on the first floor?

A. I think it happened all on the first floor. I do, but I am just thinking of ways it could have happened.

Q. If I could just ask you one question, I think you might have answered it a little bit earlier. I forget. But is it true that you have responded openly this year to the -- and revealed your knowledge of the case without any prompting of a desire to obtain any monetary reward or any other thing of material value?

A. No monetary reward and no -- about this story, I told it. I have realized nothing out of it, and I ask nothing for it; but I did tell Robert Sherborne and Jerry Thompson that I would let them handle it from then on because I just don't feel like

trying to go through with it any more.

Q. Basically, what you are saying is that you have agreed for Mr. Sherborne and Mr. Thompson to screen requests and calls for interviews that you might --

A. Whatever they think they want to do with it, but I never thought of it in terms of commercial. I never thought of it that way.

Q. This is not a commercial transaction that you are speaking of?

A. Whatever they want to do with it, they can do with it. There hasn't been no one -- no money involved in it, none at all, and no promises.

MR. MOORE: That covers my questions.

THE WITNESS: Thank you.

MR. HOOKER: Let me say for the record since the question has come up because we want to be absolutely full disclosure. As I understand it as Mr. Mann's lawyer and as I understand it as a consequence of having talked to Mr. Bob Sherborne and to Mr. Jerry Thompson the matter came up precisely as Mr. Mann has told you, that he told his nephew who in turn told Jerry Thompson, and Jerry Thompson then as a newspaper reporter proceeded for the purpose of -- sole purpose of seeing whether or not this was a

legitimate story for the newspaper. He did proceed.

He then convinced his publisher, Mr. John Sigenthal of the Nashville Tennessean that this story ought to be told. The Nashville Tennessean -- I used to be the general counsel for the Nashville Tennessean. I do not represent the Nashville Tennessean in this matter. I don't practice law any more. I am here because I am a great admirer of Jerry Thompson's, and Mr. John Sigenthal of the Nashville Tennessean is my very close friend.

Mr. Mann did not have a lawyer, and I was asked to talk to Mr. Mann; and Mr. Mann then asked me to be his lawyer in the matter, and I appear today as his counsel. I am unpaid by Mr. Mann or the Tennessean or anybody else. I am here in the interest of justice because Mr. Mann asked me to be here.

However, I do want to show on the record the truth, and that is that the matter was proceeded on by the Nashville Tennessean for the pure purpose of running a newspaper story, which has now been run. Subsequent to that, Mr. Thompson has written a book about his activities with the Ku Klux Klan wherein he was an investigator -- investigative reporter for the Nashville Tennessean. He went and did a series of

articles for the Tennessean. After he finished doing the articles for the Tennessean, he then wrote a book; and he is an author of this book.

And after this story was completed, Mr. Thompson then discussed with Mr. Sigenthal that he would like to write a book concerning the Leo Frank case; and as I understand it -- Mr. Thompson here can speak for himself for the record. Mr. Thompson has proceeded and is proceeding to write a book regarding this matter. And indeed he and Mr. Sherborne, in partnership, have done outlines of many chapters of the book; and they are presently proceeding to write the book. Beyond that Mr. Thompson has been contacted by Mr. Curtis and others related to the possibility of a movie being made about the Leo Frank matter.

In conjunction -- in accordance with that, Mr. Thompson and my client, Mr. Mann, had some conversations; and they have an agreement among themselves that Mr. Thompson and Mr. Sherborne would be in control of the "Alonzo Mann Story." Mr. Mann is an elderly gentleman, and he wanted somebody to deal with whoever needs to be dealt with about the matter, and he entered into a written agreement with these two gentlemen, which I don't have with me, but

which if it is material, we will be happy to make available to the Pardons and Paroles Board so you will know the whole facts.

MR. SCHWARTZ: When did he do that?

MR. HOOKER: That was done --

MR. THOMPSON: Long after this series ran.

THE WITNESS: Oh, yes. Everything was over with.

MR. HOOKER: This started purely as a matter that Mr. Mann wanted to get the matter on the record. Mr. Thompson happened to be the conduit for that. After the story was completed, then because of Mr. Thompson's qualifications and the fact he just completed a book, it occurred to him that this story was something that ought to likewise be the subject of a book. He had conversations with Mr. Mann about that, and the matter went from that point to where it is now by the process I have just told you.

But we want the Board to have the benefit of that knowledge because insofar as the testimony of Mr. Mann is concerned today, it has absolutely nothing to do with any commercial transaction contemplated by him at the time that he decided to bring the matter public; and he is here for the purpose of getting Mr. -- helping to get a pardon for

Mr. Leo Frank and not for the purpose of making any money out of the fact that that may come to pass or whether it comes to pass or not.

THE WITNESS: That is correct. Now, may I correct one thing?

MR. WING: Yes.

THE WITNESS: When I said that Jim Conley could have brought the woman down -- the girl down the stairs, I said he could have. The elevator which he did know -- it was really true and the way it looks to me and the way I think it is, the way I think it was, she was coming down the steps with an envelope; and that's when he stopped her and took her, knocked her in the head or something. That's when it really happened, when she came down the steps. I was just thinking about what could have happened.

FURTHER EXAMINATION

BY MR. WING:

Q. Actually, she could have come down the steps, he could have brought her down, they could have come down the elevator separately or together.

A. They could have if it happened upstairs. But I am sure it happened as she came down with an envelope, and he was on that floor.

Q. Let me ask an opinion question, Mr. Mann.

Would Mr. Conley have had any reason to lie about this at all other than to cover up the fact that he did the killing?

A. Yes, he had reason, because he felt sure that he would be questioned and maybe arrested; and he wanted to blame it on Mr. Frank. He would have a good reason. He and Mr. Frank wasn't good friends at all.

Q. There wouldn't be any reason other than the fact to cover up the fact that he did it?

A. No. Mr. Frank just gave him orders, and he carried them out. But you could easily think now since I was there, "They may arrest me. Why not blame it on Mr. Frank." A child could think that.

Q. You are personally convinced that Jim Conley did it?

A. I am convinced that's the way it was. That's my opinion. And I still believe in the sight of God that Frank did not kill that girl. Jim Conley killed her.

Q. Okay. One other question. I know this is really getting into an opinion question.

A. That's all right.

Q. Okay. There was some anti-Jewish feeling back then, but blacks weren't held in very high

regard either. I wonder do you know why -- and you lived through it -- all of it centered on Mr. Frank as opposed to on Mr. Conley?

A. Back in those days the blacks was considered as people that was servants or you could give orders to, that would do things, wash dishes or work in restaurants; and they would say, "Yes, sir, b'oss." But the Jewish people in those days wasn't liked because they were coming into the territory and going into business and doing well. That's why.

Q. So although --

A. That's why they had that feeling.

Q. Although blacks weren't highly regarded, they weren't looked on as a threat?

A. They were regarded as servants --

Q. I see.

A. -- back in those days because I -- my brother-in-law had one working for him -- had several working for him, and he bossed them around. They washed dishes, swept floors, cleaned out his yard, and cleaned around his business. They were considered as -- today blacks are equal with white when it comes to making money.

Q. On the defense lawyers, Mr. Frank's lawyers, they talked to you just one time before the

trial?

A. Yes, that's about all. They didn't have too much. They didn't have too much to say to me.

MR. WING: I think that's all I have, Mr. Mann.

THE WITNESS: Well, in my honest opinion, regardless of any way it works out, Frank was not guilty; and Jim Conley was guilty. That's the way I feel about it, and I will feel about it until I die. I won't change.

MR. WING: I am convinced of your sincerity.

THE WITNESS: I won't change. If I made any mistakes, excuse me.

MR. HOOKER: Anybody else? Dave, you have no further questions? What about you, Charles Wittenstein?

MR. WITTENSTEIN: No

MR. HOOKER: April, you don't have any questions? Silas? All right, Mr. Mann. We thank you very much.

THE WITNESS: If either one of you had to do what I had to do now, you would make some mistakes.

(Testimony concluded).

C E R T I F I C A T E

G E O R G I A:

FULTON COUNTY:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 90 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 23rd day of November, 1982.

Linda M Lewis

LINDA M. LEWIS, CCR-B-640

My commission expires on the

14th day of October, 1984.